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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/588,387

08/04/2006

Mauro Zenobi

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02/25/2010

INTELLECTUAL PROPERTY GROUP

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EXAMINER

COMINGS, DANIEL C

ART UNIT

PAPER NUMBER

3744

MAIL DATE

DELIVERY MODE

02/25/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Supplemental
Notice of Allowability**

Application No.

10/588,387

Applicant(s)

ZENOBI, MAURO

Examiner

Daniel C. Comings

Art Unit

3744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4 September 2009.
2. ☒ The allowed claim(s) is/are 12-26.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☒ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: PCT/IT2004/000048.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>enclosed</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>25 Nov. 2009</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

/Daniel C Comings/
Examiner, Art Unit 3744

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an International Application filed on 9 February 2004. It is noted, however, that applicant has not filed a certified copy of the PCT/IT2004/000048 application as required by 35 U.S.C. 119(b).

Allowance

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney John Parzych on 7 January 2009.

The application has been amended as follows:

Claim 12, lines 21-22, the phrase --for reading cell identification means-- has been inserted between "said reading device" and "controlled by the processing system".

The following is an examiner's statement of reasons for allowance:

The prior art of record when considered as a whole, alone or in combination, neither anticipates nor renders obvious: an apparatus for storing and supplying bags of blood comprising a cabinet, a refrigerated space for containing the bags, each bag

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having a bag identification means, a magazine in the refrigerated space having a plurality of cells arranged in a plurality of superposed levels and each capable of containing one bag of blood, each cell further having a univocal cell code independent of its level and position and a cell identification means capable of containing and/or retrieving cell codes, at least one door to allow an operator to access the cells, a movement system capable of moving the cells, a cooling system capable of cooling the refrigerated space, a processing system controlling the cooling and movement systems, a reading device for reading bag identification means connected to the processing system and located at the walls of the cabinet, at least one reading device for reading cell identification means connected to the processing system and having at least one movement member controlled by the processing unit and a machine space for containing the movement system, the cooling system and the processing system (separated from the refrigerated space) as taught in instant independent claim 12.

German Publication No. DE 4418005 A1 to Scheuer teaches a cupboard for storing blood plasma units having a cabinet having binary codes so that units (bags)) can be rapidly identified and accessed, a number of motor driven turntables on which the units are arranged and an associated computer storing details about the number of free and occupied storage places. The cabinet is taught to have a hatch for accessing the units, a pipe for adding cooling air to the cabinet and a reader for reading the unit codes. Scheuer does not teach the computer controlling the cooling system the presence of cell identification means, the use of a number of reading devices for

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reading cell identification means, the reading devices having a number of movement members associated therewith and controlled by the computer or the use of a separate machine space for containing the computer, the turntable motor(s) and the cooling system as in instant claim 12.

Italian Publication No. IT UD 96A000073 to Angelantoni Industrie teaches a refrigerated storage device for containing bags of blood in individual cells each bag having identification data and each cell having an encoded location, there being an “acquiring data means” for acquiring data regarding the blood units, processing means coupled with the acquiring data means. Further it is suggested in fig. 3 but not explicitly taught in the English language abstract that there is also a door for accessing plural layers of the storage space, a movement system for moving the shelves, and a plurality of devices (shown at 36) for reading cell identification means. Angelantoni does not teach the processing system controlling the movement and cooling systems, the cell identification readers being supplied with movement members (Angelantoni teaches a plurality of such readers in various locations rather than readers movable between locations) and the processing, cooling and movement systems being located in a separate machine space as in instant claim 12.

US Patent No. 6,688,123 B2 to Felder et al. teaches an automated storage and retrieval apparatus for containing biological samples, the apparatus including a freezer compartment, a storage carousel having a plurality of layers each with a plurality of

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storage locations for containing storage containers which are identifiable by barcodes, a barcode reader for scanning the barcodes to identify storage containers as they are inserted into or removed from the device and an exterior door for depositing and withdrawing containers which are automatically moved to and from storage positions on the carousel. Felder does not teach the door providing access to the cells (but rather to a single automatically retrieved container) nor does Felder teach the storage locations having univocal codes or identification means and further does not teach the use of a reader for such identification means or such a reader being mounted on a movement member. Finally, Felder fails to teach the use of a separated machine compartment within the cabinet in which the movement system, cooling system and processing system are located as in instant claim 12.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel C. Comings whose telephone number is 571-270-7385. The examiner can normally be reached on Mon-Fri 8:00-5:00 EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Jules or Cheryl Tyler can be reached on 571-272-6681 or 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel C Comings/
Examiner, Art Unit 3744
16 February 2010

/Frantz F. Jules/
Supervisory Patent Examiner, Art Unit 3744